

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASCADE YARNS, INC.,

Plaintiff/Counterclaim
Defendant,

v.

KNITTING FEVER, INC., et al.,

Defendants/Counterclaim
Plaintiffs/Third-Party
Plaintiffs,

v.

ROBERT DUNBABIN, SR., et al.,

Third-Party Defendants.

CASE NO. C10-861RSM

ORDER ON MOTIONS TO SEAL

CASCADE YARNS, INC.,

Plaintiff,

v.

EMMEPIEFFE S.R.L., a foreign limited liability
corporation,

Defendant.

This matter is before the Court for consideration of the parties' pending motions to seal documents. Dkt. ## 714, 725, 747, 756, 766, and 776. As to these motions, the Court finds and rules as follows:

(1) The Court will not grant broad authority to file documents under seal simply because the

ORDER - 1

parties have designated them as confidential in the course of discovery. “There is a strong presumption of public access to the court’s files and records which may be overcome only on a compelling showing that the public’s right of access is outweighed by the interests of the public and the parties in protecting files, records, or documents from public review.” Local Rule CR 5(g)(2). Because motions to seal often involve documents designated as “confidential” by the opposing party, they are noted on the calendar so that the opposing party has an opportunity to provide a basis for maintaining the documents under seal, as required by Local Rule 5(g). Where no response to the motion is filed, there is no basis for maintaining the document under seal unless it is provided with the original motion.

(2) Defendant’s Motion to Seal, Dkt. # 714

Defendants have moved to seal Exhibits 3 and 11 to the Declaration of Joshua Slavitt, filed at Dkt. # 716. The exhibits are filed under seal at Dkt. ## 730 and 731. Plaintiff has not responded to support the motion. Accordingly, this motion to seal is DENIED. **The Clerk is directed to UNSEAL the documents filed at Dkt. ## 730 and 731.**

(3) Plaintiff’s Motion to Seal, Dkt. # 725

Plaintiff has asked to seal Exhibits A, P, V, K, and AA to the declaration of Robert J. Guite, filed at Dkt. #726. The exhibits are filed under seal at Dkt. # 728, and comprise over 400 pages of material, including answers to interrogatories, deposition transcripts, expert reports, resumes, and test results. Defendants have responded to the motion, asserting that they were not consulted prior to this filing by plaintiff, that it includes a great many pages of material that were not designated as confidential, and that confidentiality of relevant portions could have been appropriately addressed by redaction. Nowhere did plaintiff explain why redaction was not feasible. Local Rule CR 5(g)(3). Accordingly, the motion to seal (Dkt. # 725) is DENIED, and the documents filed at Dkt. # 728 are STRICKEN for violation of Local Rule CR 5(g)(3). Plaintiff may refile these exhibits with redactions as appropriate, according to the representations made by defendants in their response. **The Clerk is directed to MAINTAIN UNDER SEAL the stricken document filed at Dkt. # 728.**

(4) Plaintiff’s Motion to Seal, Dkt. # 747

Plaintiff has moved to seal the brief in opposition to defendant’s motion for summary judgment,

1 together with a portion of Exhibit A to the Declaration of Robert J. Guite, filed at Dkt. ## 748, 752.
 2 Defendants have not responded to assert that these filings should remain under seal. Accordingly, this
 3 motion to seal (Dkt. # 747 is DENIED. **The Clerk shall unseal the documents filed by plaintiff at**
 4 **Dkt. ## 748 and 752.**

5 (5) Plaintiff's Motion to Seal, Dkt. # 756

6 This motion relates to Exhibit A to another Declaration of Robert J. Guite, filed at Dkt. # 760.
 7 The sealed exhibit is filed at Dkt. # 761. Defendants have not responded to assert that this exhibit should
 8 remain under seal. Accordingly, this motion to seal (Dkt. # 756 is DENIED. **The Clerk shall unseal**
 9 **the exhibit filed by plaintiff at Dkt. # 761.**

10 (6) Defendants' Motion to Seal, Dkt. # 766

11 Defendants have moved to seal Exhibits 2 and 5 to the Declaration of Joshua Slavitt, which is
 12 filed at Dkt. # 768. Robert Dunbabin, Sr., has filed a declaration in support of maintaining Exhibit 2
 13 under seal (see Dkt. # 783). However, it appears from the docket that defendants have not actually filed
 14 Exhibits 2 and 5 to the Declaration of Joshua Slavitt, so the Court cannot make a determination as to
 15 whether the document should be sealed. This motion to seal (Dkt. # 766) is accordingly DENIED,
 16 without prejudice to renewal.

17 (7) Plaintiff's Motion to Seal, Dkt. # 776

18 Plaintiff has moved to seal Exhibit F to the Declaration of Robert J. Guite, which is filed at Dkt.
 19 # 779. The sealed exhibit is filed at Dkt. # 780. Plaintiff has properly supported the motion with a
 20 declaration which provides a basis for maintaining this third-party document under seal. Dkt. # 777.
 21 The motion to seal at Dkt. # 776 is accordingly GRANTED. **The Clerk is directed to MAINTAIN**
 22 **UNDER SEAL Exhibit F, which is filed at Dkt. # 780.**

23 (8) The Clerk is directed to unseal the documents indicated above three days after the date this
 24 Order is filed, unless the filing party has before then filed notice that the document shall be withdrawn.

25 DATED October 15, 2012.



26 RICARDO S. MARTINEZ
 27 UNITED STATES DISTRICT JUDGE
 28